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LETTER

In response to the Notice to File Missing Parts of NonProvisional Application dated January 30, 2002, please find enclosed a Petition Under 37 C.F.R. 1.48 to remove an incorrectly identified inventor. This Rule 1.48 Petition is a response to the Notice to File Missing Parts for the above-identified patent application. Please forward this Rule 1.48 Petition to the Petitions Branch.

Also enclosed are substitute drawings and a copy of the Notice to File Missing Parts, as requested by the Notice to File Missing Parts.

Respectfully submitted,

ALFRED BLALOCK BAHNSON, ET AL.

By 

Ansel M. Schwartz, Esquire

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(412) 621-9222

Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/032,661	10/26/2001	Alfred Blalock Bahnson	HOUCK-9

CONFIRMATION NO. 6166

FORMALITIES LETTER



OC000000007394507

Ansel M. Schwartz
Suite 304
201 N. Craig Street
Pittsburgh, PA 15213

Date Mailed: 01/30/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Aleksandr I. Lisovich
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));

*A copy of this notice **MUST** be returned with the reply.*

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65.00 CP

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



6-18-02

#3 T.D

AMP \$

Practitioner's Docket No. HOUCK-9**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Alfred Blalock Bahnson, Douglas J. Koebler, Charalambos N. Athanassiou, Raymond K. Houck, Kris F. Sachsenmeier, Lei Qian
Application No.: 10 / 032,661 Group No.: 1743
Filed: October 26, 2001 Examiner:
For: METHOD AND APPARATUS FOR MONITORING OF PROTEINS AND CELLS

Box Missing Part
Assistant Commissioner for Patents
Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS
— NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533)
mailed 1/30/02

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

- ☒ with sufficient postage as first class mail. ☒ as "Express Mail Post Office to Addressee"
Mailing Label No. EL700960024US (mandatory)

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Tracey L. Milka
Tracey L. Milka

(type or print name of person certifying)

Date: 6/14/02

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Completion of Filing Requirements— Nonprovisional Application [5-1]—page 1 of 6)

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DECLARATION OR OATH

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

"(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

"(B) serial number and filing date;

"(C) attorney docket number which was on the specification as filed;

"(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

M.P.E.P. § 601.01(a), 7th Ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

- III. ☐ Cancel claims _____ inclusive.

**TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS**

- IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. § 1.69(b).

SMALL ENTITY STATUS

V.

- a. ☒ An assertion that this filing is by a small entity
(check and complete applicable items)
- ☐ is attached.
- ☐ was filed on _____ (original).
- ☒ was made by paying the basic filing fee as a small entity.
- ☐ is being made now by paying the basic filing fee as a small entity.
- b. ☐ A separate refund request accompanies this paper.

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. Filing fee

- ☐ original patent application
(37 C.F.R. § 1.16(a)—\$740.00; Small entity—\$370.00) \$ _____
- ☐ design application
(37 C.F.R. § 1.16(f)—\$330.00; small entity—\$165.00) \$ _____
- \$ _____

2. Fees for claims

- ☐ each independent claim in excess of 3
(37 C.F.R. § 1.16(b)—\$84.00; small entity—\$42.00) \$ _____
- ☐ each claim in excess of 20
(37 C.F.R. § 1.16(c)—\$18.00; small entity—\$9.00) \$ _____
- ☐ multiple dependent claim(s)
(37 C.F.R. § 1.16(d)—\$280.00; small entity—\$140.00) \$ _____